

***Remarks***

Upon entry of the foregoing amendment, claims 18-34 are pending in the application, with claims 18 and 31 being the independent claims. Claims 1-17 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 18-34 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

The substance of original claims 1-17 has been incorporated in new claims 18-34. Accordingly, support for new claims 18-34 may be found at least in original claims 1-17.

***Indication of Allowable Subject Matter***

Applicant thanks the Examiner for indicating claim 12 would be allowable if rewritten in independent form. New claim 31 is believed to contain the allowable subject matter of original claim 12. Accordingly, Applicant respectfully request that independent claim 31 and claims 32-34, which depend therefrom, be allowed.

***Objection to the Claims***

Claims 2, 4-9, 10, and 13-16 are objected to for various reasons involving the claiming of multiple dependencies. These objections are moot as claims 2, 4-9, 10, and 13-16 have been cancelled and none of new claims 18-34 contain multiple dependencies.

***Rejection of the Claims Under 35 U.S.C. § 112***

Claim 17 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Claim 17 has been cancelled, rendering this rejection moot.

***Rejection of the Claims Under 35 U.S.C. § 103***

Claims 1, 2, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 1,547,258 to Newton ("the Newton patent") in view of U.S. Patent No. 4,484,448 to Crabb, Jr. ("the Crabb patent"). Claims 1, 2, and 11 (along with claims 3-10 and 12-17) have been cancelled and new claims 18-34 have been added. The Newton and Crabb patents do not disclose or suggest the claimed invention of claims 18-34.

Newly added independent claim 18 recites:

18. A method for tempering at least one packaged product unit in a treatment tank, the method comprising:

    placing the at least one packaged product unit in the treatment tank;

    introducing an ice slurry comprising water and ice particles into the treatment tank;

    circulating the ice slurry in the treatment tank around the at least one packaged product unit in order to cool the at least one packaged product unit, wherein the ice slurry present in an overflow trough located at an upper part of the treatment tank is pumped through a pipe connected to the overflow trough and injected back into the treatment tank through at least one injection nozzle.

Similarly, newly added independent claim 31 recites:

31. A system for tempering at least one packaged product unit utilizing a ice slurry comprising water and ice particles, the system comprising:

    at least one treatment tank for submerging the at least one packaged product unit, wherein the at least one treatment tank comprises an upper part with an overflow trough;

    at least one injection nozzle;

a pipe connecting the overflow trough and the at least one injection nozzle; and

a pump associated with the pipe for pumping ice slurry present in the overflow trough through the pipe and injecting the ice slurry back into the at least one treatment tank through the least one injection nozzle so as to circulate the ice slurry in the at least one treatment tank around the at least one packaged product unit in order to cool the at least one packaged product unit.

Claim 31 incorporates the subject matter of original claim 12 previously indicated allowable. Specifically, the system of claim 31 includes a treatment tank with an overflow trough, at least one injection nozzle, a pipe connecting the overflow trough to the injection nozzle and a pump associated with the pipe for pumping ice slurry present in the overflow trough through the pipe and injecting the ice slurry back into the treatment tank through the injection nozzle so as to circulate the ice slurry.

Claim 18 is a method claim corresponding to the system of claim 31 and is believed to also contain the allowable subject matter of original claim 12. Specifically, the method of claim 18 includes circulating ice slurry in a treatment tank around a packaged product unit in order to cool the packaged product unit wherein ice slurry present in an overflow trough located at an upper part of the treatment tank is pumped through a pipe connected to the overflow trough and injected back into the treatment tank through at least one injection nozzle.

The Newton patent does not disclose or suggest a treatment tank with an overflow trough at an upper part wherein a pipe connects the overflow trough and at least one injection nozzle such that ice slurry present in the overflow trough is pumped through the pipe and injected back into the treatment tank through the at least one injection nozzle to circulate the ice slurry in the treatment tank around a packaged

product unit to cool the packaged product unit. While the Newton patent, as shown in Fig. 2, does appear to have an opening in partition 8 for overflow water in the tank holding the fish F to drain back into the ice chamber 10, the Newton patent does not disclose or suggest the claimed overflow trough, at least one injection nozzle, and pipe connecting the overflow trough and at least one injection nozzle that allows the ice slurry to be circulated. The Crabb patent does not cure the deficiencies of the Newton patent. Accordingly, the Newton patent and the Crabb patent, alone or in combination, do not disclose or suggest the claimed invention.

For at least the reasons noted above, independent claims 18 and 31, and claims 19-30 and 32-34, which depend therefrom, are allowable. Applicant respectfully requests that these claims be allowed.

***Conclusion***

Prompt and favorable consideration of this Amendment and Reply is respectfully requested. Applicant believes the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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